

kids will die too young because Congress has failed to act this year? Mr. President, 71,000. How many days are left for Congress to act? Sixty-seven days. And the count goes up every single day—more kids addicted to nicotine, addicted to tobacco; more kids who will die.

We are told repeatedly this is a short session; we do not have a lot of time here. We have just 67 days and then we have to get back to other things. What is more important? What could be more important than the lives of our children? What could be more important than this opportunity in history for the first time—the very first time—that we can do something? Think about it. If we said, as part of our legislation, legislation I support, that the tobacco companies have to show reductions in kids smoking or they are going to pay more, guess what will happen. They will reduce the number of sales to kids. They will watch it more carefully. If we say to these tobacco companies that we are sick and tired of your insidious advertising at sporting events and all sorts of billboards near schools—we know what is going on here—it is coming to an end, we can do it; we can do it this year.

There is more. We also have to take the money that will come from this effort—from additional fees, for example, on tobacco products—and make sure that it is well spent on antitobacco advertising, on medical research, and on so many other things the President has suggested.

The President wants to take these funds and put them into the basics, make sure there is money for education, make sure there is money for child care, make sure there is money at the NIH for medical research. This is money that is well spent and well invested. But we can miss this opportunity. We can find ourselves twisted in knots. Unfortunately, we may find, if that occurs, we may never have this chance again.

Today is March 12; there are 67 days left on Capitol Hill to take action on an antitobacco bill. If we are going to do this, the Senate needs to finish up its work on this bill by Memorial Day and no later. There are 3,000 reasons each day to pass this legislation—the 3,000 kids who start smoking for the first time. There are no good reasons not to. When you count the days and you count the kids and you count the cost, I think you understand the gravity of this situation. We have offered comprehensive legislation. I hope we can count on our friends on the other side of the aisle to join us.

Yesterday the committee hearings focused on details of tobacco legislation—immunity, liability, committee jurisdiction—but it is time to bring the focus back where it belongs. This is not about the details of the legislative process, it is about our children. Let's send a bill to President Clinton that he can sign. We certainly owe it to America's kids to stop stalling and start saving lives.

#### JUDICIAL NOMINEES FOR THE FEDERAL DISTRICT COURTS OF ILLINOIS

Mr. DURBIN. Mr. President, while on the subject of the calendar, let me tell you I have waited patiently now—as has the Senator from Illinois, Senator CAROL MOSELEY-BRAUN—I have waited since November 1997 for the Senate to take up consideration of two Federal District Court Judges of Illinois. Patrick Murphy of Marion, IL, is a nominee for the southern district; Michael McCuskey, now an appellate court judge at the State level, is our nominee for the central district. We have waited patiently for over 100 days while these names languished on the Senate Executive Calendar. During that period of time, other judges' names have come and gone, been approved by the Senate, but the two nominees from Illinois sit and languish.

It is bad enough that these two gentlemen, for whom there has been no negative comment, no suggestion that they are not qualified—it is bad enough that their lives have been interrupted because of the Senate's failure to act. What is even worse is that for the people they would serve in southern and central Illinois, there are vacancies on the Federal bench. The southern district of Illinois has the third oldest judicial vacancy in the Nation. We have seen over 1,900 days have passed since there was a judge in this seat, more than 1,000 days in the central district. These high vacancy rates for the Southern and Central Districts of Illinois are causing a great hardship, not only on the judges who are sitting and trying to meet their responsibilities but on those who come to the courthouse and expect, as every American citizen, every American family, and every American business should, that they will be handled fairly and in an expedited fashion.

I think it is time for us to act as a Senate on these two nominees. I will stand on this floor and gladly defend each of these nominees because I know the stellar qualities that they bring to this appointment. But the Senate has to meet its responsibility. It has to call these names for consideration.

We have seen, unfortunately, over the last year or so, a pattern in the Senate which is distressing. Last year, President Clinton had only 45 percent of the nominees for the Federal bench that he sent to the Senate who were actually confirmed. You may say that probably is what the average is, is it not? In fact, it is not. Under Presidents Reagan and Bush, the confirmation rate of their nominees, by a Democratic Senate, was substantially higher—70 and 80 percent.

Some of the Republicans say, "I wish the President would send us more qualified people." Yet when you take a look at the ratings of the President's nominees by the American Bar Association compared to the nominees sent by President Reagan and President Bush, these are actually better nomi-

nees. They rate higher by the American Bar Association, one of the few standards that we use to grade men and women who are being appointed to the bench. So, clearly, we are being sent qualified people in a timely fashion to fill needs in Federal judicial courts across America. Yet the Senate acts too slowly or refuses to act.

I stand here today and appeal to my colleagues, Democrats and Republicans, to consider seriously these two nominees and bring them up for consideration this week. Under the rules of the Senate, I can put a hold, incidentally, on people and a hold on bills. I can even do that in secret. That is what the Senate lets me do. In other words, they cannot move the person, they cannot move the bill, if this one Senator decides he does not want them to move it. I have not done that. I have never done that to an individual, and I don't want to start. I don't think it's fair. I hope I never reach the point where I have to use that strategy. I would much rather see us vote on these men and women on their merits. If they are worthy of appointment to the Federal bench, let us take the action and make sure it happens.

I hope my colleagues in the Senate will join me and this week we can finally see the logjam broken, not only on these judicial appointments, but also on this critical legislation. With only 67 days left for us to go to work, let's make sure we do not miss the most important issues and challenges facing us.

I yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I wish to address the amendment to be voted on in 4 minutes.

Mr. KERREY. Will the Senator yield?

Mr. WARNER. How much time does my colleague need?

Mr. KERREY. Three minutes?

Mr. WARNER. Then we will accommodate the Senator. Take 4.

#### THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. KERREY. Mr. President, I would like to commend my Democrat and Republican colleagues for their hard work in creating a transportation bill that will reduce traffic congestion, make our roads safer, and protect the U.S. environment. ISTEA, the Intermodal Surface Transportation Efficiency Act, is one of the most important items on the legislative agenda of the 105th Congress.

The American people deserve nothing less than a world-class transportation system that will facilitate economic growth and improve transportation safety. This bill achieves that goal in a fair manner and guarantees that America's transportation infrastructure will be vital well into the next century.